UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,840	10/23/2001	Hung-Liang Chiu	56597 (71987)	3638

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EXAMINER
LU, KUEN S

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/002,840	CHIU ET AL.
	Examiner	Art Unit
	Kuen S Lu	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/12/2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7 and 9-12* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7 and 9-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on May 12, 2004.

2. The Applicant's Amendments made to the Specification and Drawings are noted and considered.

3. In responding to Applicant's Amendments made to the claims, the Examiner has created this Office Action for Final Rejection as shown next.

4. As for the Applicant's Remarks on claim rejections, filed on May 12, 2004, has been fully considered by the Examiner, please see discussion in the section **Response to Arguments**, following the Office Action for Final Rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3, 5, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (U.S. Patent 6,112,206, hereafter "Morris") in view of Ben-Itzhak (U.S. Publication 2003/0023873 A1).

As per the independents Claim 1 and 7, Morris teaches the following:

"(1) determining via the system for reading authorized data if a data-reading request is submitted by the user at the terminal device, wherein if the data-reading request is received by the system for reading authorized data, then step (2) is followed, or else, the step (1) is repeated" (See Fig. 5, steps 164-178 and col. 13, lines 7-12 wherein Morris' **determining if new program was submitted and received** is equivalent to Applicant's determining for reading authorized data if a data-reading request is submitted and received);

"(2) determining via the system for reading authorized data if data requested by the user is availably stored in the database, wherein if no data requested by the user is available, then step (4) is followed, or else, step (3) is followed" (See Fig. 6, step 194 and col. 13, line 65 – col. 14, line 4 wherein Morris' **determining if local data is available for application program to process and act accordingly** is equivalent to Applicant's determining if data requested by the user is availably stored in the database);

"(3) retrieving the data requested by the user via the system for reading authorized data from the database, and displaying the retrieved data on a browser of the terminal device" (See Fig. 6, steps 206 and 208, and col. 12, lines 58-61 wherein Morris' **retrieving or returning the data and displaying the data** is equivalent to Applicant's retrieving and displaying the data requested by the user); then, "repeating the step (1)" (See Fig. 5, step 162 and col. 11, lines 58-63 wherein Morris' **application program to return to the start step when application exited from previous execution cycle** is equivalent to Applicant's repeating the step to determine for reading authorized data if a data-reading request is submitted and received); and

"(4) submitting a data-downloading inquiry via the system for reading authorized data to the application service provider" and "according to the data-reading request submitted by the user" (See Fig. 6, steps 196 and 198 and col. 14, lines 1-11 wherein Morris' **forming request and sending SQL to query data** is equivalent to Applicant's submitting a data-downloading inquiry for reading data and according to the data-reading request submitted).

Morris does not specifically teach data-reading inquiry to the application service provider "in a request for comment (RFC) manner" and "so as to allow the application service provider to search in a database server thereof for data corresponding to a RFC document number in the data-reading inquiry".

However, Ben-Itzhak teaches "in a request for comment (RFC) manner" (See Page 5, [0066] wherein Ben-Itzhak's **Request for Comments (RFC) document number 2068** is equivalent to a request for RFC manner) and Ben-Itzhak further teaches so as to allow the application service provider to search in a database server thereof for data corresponding to a RFC document number in the data-reading inquiry" (See Page 9, [0131] wherein Ben-Itzhak's **a parser which receives a reply document and parses it based on a request for comments (RFC) document and will fills the knowledge 'basket' with all tags that , based on the RFC, can be sent back to the server on a user's next request** provides steps equivalent to Applicant's application service provider to search in a database server thereof for data corresponding to a RFC document number in the data-reading inquiry).

It would have been obvious to one having ordinary skill in the art at the time of the
applicant's invention was made to combine Ben-Itzhak's teaching with Morris' by
utilizing RFC document to inquire data from the web site because by doing so any
update of a protocol standard would lead to an immediate in the supported message
base encoding type.

Morris further teaches the following:

"(5) determining via the system for reading authorized data if the data requested by the
user are transmitted from the application service provider, wherein if no data
requested by the user is received by the system for reading authorized data, then the
step (4) is repeated, or else, step (6) is followed" (See Fig. 6, steps 200 and 202, and
col. 14, lines 11-20 wherein Morris' **determining if data received and then formatting and
returning data** is equivalent to Applicant's determining for data reading if the data
requested by the user are transmitted from the application service provider); and

"(6) downloading the requested data transmitted from the application service provider
via the system for reading authorized data to the database for storage, and then
repeating the step (3)" (See Fig. 6, steps 200, 204 and 206, and col. 14, lines 14-20
wherein Morris' **receiving data through SQL query** is equivalent to Applicant's
downloading the requested data transmitted from the application service provider).

As per Claims 3 and 9, Morris teaches "in the step (6), the system for reading
authorized data processes the requested data transmitted from the application service
provider to be in the form of tables, and downloads the tables to the database for
storage" (See the Abstract wherein Morris' **portable server to maintain a database for**

storing the retrieved data is equivalent to Applicant's data reading processes the

requested data transmitted from the application service provider).

As per Claims 5 and 11, Morris teaches "the system for reading authorized data is

constructed in a server host" (See col. 7, lines 61-62 wherein Morris' **having database**

installed on the host is equivalent to Applicant's reading data constructed in a host).

7.   Claims 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Morris et al. (U.S. Patent 6,112,206, hereafter "Morris") in view of Ben-Itzhak (U.S.

Publication 2003/0023873 A1), as applied to Claims 1, 3, 5, 7, 9 and 11 above, and

further in view of Bobick et al. (U.S. Publication 2003/0172135 A1, hereafter "Bobick").

As per Claims 4 and 10, the combined Ben-Itzhak-Morris reference teaches a data

collection and dissemination system as previously described in claims 1, 3, 5, 7, 9 and

11 rejection.

The combined Ben-Itzhak-Morris reference does not specifically teach "the

application program system of the system for reading authorized data is an enterprise

resource planning (ERP) system".

However, Bobick teaches "the application program system of the system for reading

authorized data is an enterprise resource planning (ERP) system" (See Page 5, [0070]

wherein Bobick's **dependency of Enterprise Information System server on Enterprise**

Resource Planning System is equivalent to Applicant's reading data in a ERP system).

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine Bobick's teaching with Ben-Itzhak and

Morris' by further extending functionality of the data sever to cover enterprise resource

planning because by doing so the server would been able to perform the function of an enterprise information system.

As per Claims 6 and 12, Morris teaches a data collection and dissemination system as previously described in claims 1, 3, 5, 7, 9 and 11 rejection.

Morris does not specifically teach "application service provider are constructed in world wide web".

However, Bobick teaches "application service provider are constructed in world wide web" (See Page 5, [0064]-[0065] wherein Bobick's **utilizing web application server as a middle tier between application and database sever** is equivalent to Applicant's application service provider is constructed in a world wide web).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Bobick's teaching with Morris' by further extending functionality of the application sever to cover web application functionality because by doing so the server would have been able to organize, schedule, and distribute applications outside of the Enterprise Information System.

Response to Arguments

8. The Applicant's arguments filed on May 12, 2004 have been fully considered, but they are not persuasive, for the Examiner's response, please see discussion below.

a). At Page 7, the Applicant provided a new title SYSTEM AND METHOD FOR READING AUTHORIZED DATA FROM APPLICATION SERVICE PROVIDER and replaced drawing FIG. 3.

The Examiner has noted and considered both of the above amendments

b). At Page 8, concerning U.S.C. § 102(b) rejections of claims 1,3,5,7,9 and 11, the Applicant argued Ben-Itzhak reference teaches ASCII encoding based on the HTTP standard where "Request for Comments (RFC) document number" specifically refers to "Request for Comments: 2068", which does not specifically teach "... so as to allow the application service provider to search in a database server thereof for data corresponding to a RFC document number in the data-reading inquiry".

The Examiner has noted the above argument, however, the Examiner disagreed. Note wherein Ben-Itzhak reference's "**Request for Comments (RFC) document number 2068**" teaches the claim language of data-reading inquiry to the application service provider "in a request for comment (RFC) manner". Further, Ben-Itzhak reference teaches parser which receives a reply document and parses it based on a request for comments (RFC) document and will fills the knowledge 'basket' with all tags that , based on the RFC, can be sent back to the server on a user's next request. The above language of the reference provides steps equivalent to Applicant's application service provider to search in a database server thereof for data corresponding to a RFC document number in the data-reading inquiry.

c). At Page 8, the Applicant cancelled claims 2 and 8 and incorporated the subject matter into claims 1 and 7, respectively. Note claims 2 and 8 were rejected under U.S.C. § 103(a) while the claims 1 and 7 which they depend on were rejected under U.S.C. § 102(b) in the original non-final Office Action.

As to the above amendment, the Examiner has created the Final Office Action for U.S.C. § 103(a) rejections of all claims.

concerning claims 1-17, the Applicant Applicant argued xyz....

9. In light of the forgoing arguments for claims 1,3-7 and 9-12, the U.S.C § 103

rejections for claims 1,3-7 and 9-12 are hereby sustained.

10. The prior art made of record

    A. U.S. Patent　　6112206

    B. U.S. Pub. No.　2003/0023873

    C. U.S. Pub. No.　2003/0172135

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

    D. U.S. Patent　　6336114

    E. U.S. Patent　　6442552

    F. U.S. Patent　　6564218

    G. U.S. Patent　　6523032

Conclusions

11. **THIS ACTION IS MADE FINAL.**

The Applicant are reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to Applicant's disclosure.
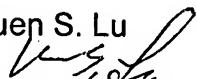
If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

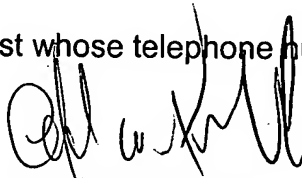13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu

Patent Examiner

July 21, 2004

Alford W. Kindred

Primary Examiner

July 21, 2004